

Posted: _____

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-120-2011-0009-EA

PROJECT NAME: Mountain Parks Electric, Inc. Kaufman Rebuild

LEGAL DESCRIPTION: T. 10 N., R. 79 W., 6th P.M., sections 23, 26, 27, 28, and 29.

KREMMLING FIELD OFFICE, KREMMLING, COLORADO

CASEFILE/PROJECT NUMBER: COC-74603 Rebuild

APPLICANT: Mountain Parks Electric Inc., Colorado

PURPOSE AND NEED FOR THE ACTION: The purpose of the project is to provide the opportunity to provide access across BLM lands for a power line. The need for the project is established by BLM's responsibility under FLPMA to respond to a request for a right-of-way grant for legal access across a designated utility corridor on BLM lands.

Background/Introduction/Issues and Concerns: Mountain Parks Electric Inc.(MPEI) has applied for a right-of-way (ROW) to rebuild an existing power line. The existing power line is very old and needs to be replaced for safety reasons and to improve the electrical equipment along the power line. Mountain Parks Electric Inc. currently has a ROW for an overhead power line that provides electric power to six oil wells, three buildings and one gas meter. The old line is part of a right-of-way that authorizes multiple lines issued pre-FLPMA and therefore cannot be amended.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Proposed Action: Mountain Parks Electric, Inc. is proposing to rebuild an existing three phase power line north of Walden, in Jackson County. The existing power line crosses private and public lands, serving six oil wells. The entire length of the project is about 4.5 miles long and currently crosses about 2.2 miles of Bureau of Land Management (BLM) administered land.

The existing power line crosses CO Hwy 125. The current line crosses CO Hwy 125 in a gulch and would require installing extra tall poles (>60 foot tall) to meet the new CDOT crossing requirements. MPEI is proposing to move the crossing north, which would cause the poles to be located on hills on each side of CO Hwy 125, allowing MPEI to install the normal 40-foot poles. This change moves more of the power line onto public land, crossing about 2.3 miles of BLM-administered land.

Because this is a three phase power line serving six oil wells, MPEI proposes building the new power line 30 feet away from the existing line so minimal power interruptions would occur. On the west end, MPEI proposes to build 30 feet north of the existing line and on the east end, proposes to build 30 feet west of the existing line. Any bladed vegetation and soil would be re-spread as soon as possible to improve soil micro-organism viability and to minimize the erosion of the soil stockpile. MPEI would remove the old poles by cutting them off at ground level.

Access to the power line would come off of CO Hwy. 125 and travel under the power line from the south or off of Jackson County Road 8 on the north end of the line and then travel south under the power line.

MPEI proposes putting one staging area approximately 200 feet by 240 feet or 1.1 acre in size, at an existing oil well site located on BLM-administered land on the east side of the project. This area would be used for storage of power poles, conductors, and other parts of the power line. MPEI will obtain permission from the owners of the oil wells. The wells appear to be active at this time. The wells on the northeast end of the power line are owned by KP Kaufman. The wells to the west end of the power line are owned by Bonanza Creek.

MPEI is requesting a 100-foot ROW from the BLM in order to allow overhead guys and anchors to be placed in the ROW. MPEI plans to construct the power line during the summer of 2012.

Design Features of the Proposed Action:

- The BLM would inspect disturbed areas for noxious weeds for two growing seasons after the project is completed. If noxious weeds are found, it would be the responsibility of Mountain Parks Electric to treat the weed infestations.
- MPEI would contact BLM for a site visit prior to any construction.
- To protect Greater sage-grouse, anti-perching devices or perch guards would be required to discourage perching by eagles. Since perching by large raptors can still occur with these devices, the proposed electric distribution line should also be constructed to specifications which would assure large birds cannot be electrocuted. Refer to "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006," Avian Power Line Interaction Committee, 2006 pp. 66-76.
- Where vegetation must be cleared, disturbances would be mulched and seeded. If rilling within the ROW is observed after one growing season, MPEI would be responsible for additional

erosion control measures such as reseeded, using mulch or waterbars to direct water away from the seeded area to encourage revegetation and to reduce runoff from the project area. Mulch can be the bladed vegetation re-spread across the surface.

-If the old ROW has areas of erosion or compacted soils with no vegetative cover, then prior to abandoning the ROW, the areas of concern would be reclaimed to be stable and have similar percent ground cover as the surrounding area.

-Where the old ROW corridor is visible, the areas of concern would be reclaimed and signed as a "Restoration Area" to discourage motorized or mechanized travel. - Any travel corridor or route that may become established should be signed by MPEI stating only authorized motorized vehicles allowed.

- The applicant would be responsible for following any permit requirements under Section 404 of the Clean Water Act to reduce impacts to wetlands.

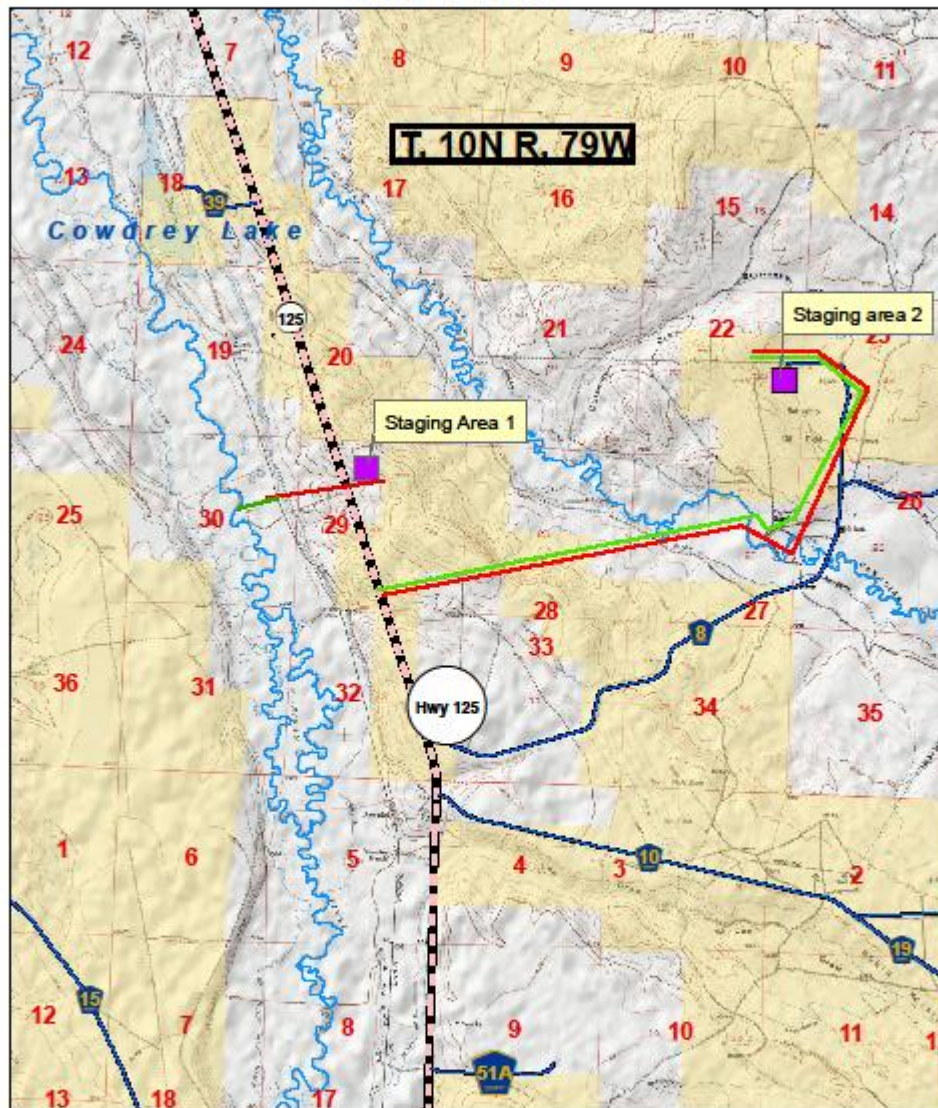
- While in use, each internal combustion engine including tractors, trucks, dozers, welders, generators, stationary engines, or comparable powered equipment shall be provided with at least the following:

- a) One fire extinguisher, at least ABC with an Underwriters Laboratory (UL) rating of 3A-40BC, or greater. Extinguisher shall be mounted so as to be readily available for use (not locked in a tool box or chained to a seat, for example).
- b) One shovel, round-pointed with an overall length of at least 48 inches.
- c) One sharp axe, or one sharp pulaski.

- A BLM permitted paleontologist would be present during soil disturbing activities for monitoring.



Mountain Parks Electric Kaufman Rebuild COC-74603



0 0.2 0.4 0.8 1.2 1.6 Miles



Legend

County Roads
 State Highways
Land Status
 ROUTESIGN
 Interstate
 U.S.
 State
 Existing Route
 Proposed Route

Land Status
 Bureau of Land Mgt
 Division of Wildlife
 National Park
 US Forest Service
 National Wildlife Refuge
 Private
 State
 State Forest

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

Annie Sperandio, 09-29-2010
 t:\giswork\lands\project\map\mpe_COC074603.mxd

No Action Alternative: The No Action Alternative would be to deny Mountain Parks Electric a ROW to rebuild an existing three phase power line. Electric power to the oil wells would be compromised due to the age of the existing line and poles. Other sources of power may be needed for the oil wells such as an additional power lines, solar or wind.

Alternatives Considered: None carried forward.

CONFORMANCE WITH LAND USE PLAN AND OTHER LAWS, REGULATIONS, AND POLICIES:

The Proposed Action is in conformance with the Record of Decision for the Kremmling Resource Management Plan approved in 1984 and updated in 1999. Which states: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

This Environmental Analysis fulfills the 1969 National Environmental Policy Act (NEPA) requirement for site-specific analysis. The Proposed Action is in accordance with the following laws and/or regulations, other plans, and is consistent with Federal, State, and local laws, regulations:

- Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
- Endangered Species Act of 1973 as amended
- Clean Water Act Section 303d
- Section 106 of the National Historic Preservation Act of 1966 as amended
- Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

CULTURAL RESOURCES

Affected Environment: Email correspondence with Mr. Dan Corson (SHPO, Intergovernmental Services Director) on June 16, 2011, determined that the current project would be an “adverse effect” because no cultural survey was conducted on the private lands and there would be no opportunity for monitoring. Based on line-of-sight observations, Government Land Office plats, USGS quadrangles, and instruction from the BLM archaeologist, cultural resources that could be identified on private land were recorded. Site 5JA2129.1, a segment of the historic Sanborn Ditch, was recorded and determined a non-contributing segment to the site’s potential eligibility; therefore the site does not need avoidance. Site 5JA2130 is the historic Dwinell Ranch which has been determined as “needs data.” The line reconstruction would not impact any structure within the site.

The project survey inventory re-recorded one previously recorded prehistoric site, 5JA470, one newly located and recorded prehistoric site, 5JA2125, and five newly located and recorded historic sites: 5JA2124; 5JA2126.1; 5JA2128.1; 5JA2129.1; and, 5JA2130. The previously recorded site, 5JA470, is a prehistoric lithic scatter with an associated stone circle that is eligible to the National Register of Historic Places (NRHP). Site 5JA2124 is an open can scatter, site 5JA2126.1 is a 1950's electrical distribution line, site 5JA2128.1 is old Colorado State Highway #50/150, and site 5JA2129.1 is the Sanborn ditch, none of which are eligible. The newly recorded site 5JA2124, is not eligible to the NRHP, there is no avoidance necessary. Segments 5JA2126.1, 5JA2128.1, and 5JA2129.1 are determined to be non-contributing to the corresponding primary site's overall eligibility.

Environmental Consequences, Proposed Action: Since sites 5JA2124, 5JA2126.1, 5JA2128.1, and 5JA2129.1 are not significant they need not be avoided, there would be no effect to these resources. Site 5JA470 would be avoided to prevent trespass and impacts to the surface feature from mechanical equipment.

Environmental Consequences No Action: Since the line would not be replaced, there would be no impact to the existing sites.

Mitigation: The stone circle 5JA470 would be avoided by the construction of a temporary barrier and monitoring by a BLM-permitted professional archaeologist. On October 6, 2011, a conversation with SPHO representatives, Mark Tobias, Dan Corzon, and Richard Wilshusen, was held on the phone to discuss how to mitigate the project's "adverse effect" on cultural resources. It was decided at this point that a permitted Archaeologist would be present at pole replacement locations to visually identify previously unknown cultural resources for avoidance on the private land. If the private land owner does not accept the terms of having an Archaeologist present to insure cultural resource avoidance, then the undertaking would be passed to the Advisory Council on Historic Preservation for comment on the adverse effect determination. On November 21, 2011, a phone conversation with Jean Johnson from Mountain Parks Electric stated that the private land owner had accepted the SHPO's terms to mitigate the adverse effect.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES

Affected Environment: There are no threatened or endangered species or habitats for such species present within the proposed project area.

Greater sage-grouse, a BLM-designated Sensitive Species and federal candidate species, likely reside in the proposed project area. Four active strutting grounds or leks are located within 4 miles of the power line, thus sage-grouse are likely nesting and raising young in and adjacent to the project area. Two of these leks are located within 0.5 to 2 miles of the proposed line. The area has also been identified as core habitat and winter range by the Colorado Parks and Wildlife.

Environmental Consequences, Proposed Action: The Proposed Action would provide perching habitat for golden eagles, a bird of prey which preys on sage-grouse. Male sage-grouse

are especially vulnerable to eagle predation during the breeding season when grouse display on the strutting grounds. Since two lek sites are less than two miles from the power line, predation on the leks by eagles perching on the line would likely occur. In addition to perching sites for eagles, power distribution lines can be obstacles to sage-grouse in flight with injury or death resulting from collisions with lines or poles.

Sage-grouse inhabiting the project area are likely accustomed to the existing power line which would be replaced if the Proposed Action is approved. Sage-grouse mortality or injury occurrence as a result of the project would be low to none since an additional electric line would not be added to the area.

Environmental Consequences No Action: The No Action Alternative would maintain existing conditions for eagles and other birds of prey and sage grouse in the project area since no replacement of the line would occur. If wind turbines were to be chosen for a power source for the oil wells, eagles and sage grouse could be mortally affected due to collisions.

Mitigation: None.

WATER QUALITY, SURFACE AND GROUND (includes a finding on Standard 5)

Affected Environment: The existing and proposed power lines are located within the North Platte River Basin in the Canadian River 5th order watershed. The public land portions of the lines are in the uplands overlooking the Canadian River and there are no other surface waters near or along the ROWs. The proposed action and the no action alternative would have no effect on ground water resources in the area.

The BLM manages very few segments of the Canadian River and does not sample its water quality. The State of Colorado has designated the river for class 1 coldwater aquatic life, water supply, and recreational uses, and the river is listed on the Monitoring and Evaluation List for possible impairment due to E. coli and dissolved iron concentrations. Iron concentrations are often tied to industrial water uses, and would therefore be suspected to be a result of the local geology in this instance. E.coli is a standard indicator for bacteria, as large numbers occur in the intestinal tracts of warm-blooded animals. It is considered to be an indicator of fecal pollution, and excessive numbers in the water suggests the possible presence of pathogenic species common in fecal material.

Environmental Consequences, Proposed Action: Surface disturbances during construction such as the blading of vegetation can increase soil erosion. If the eroded soils are formed from ferrous geologic formations, then the sediment loads transported to the Canadian River could increase iron concentrations in the water. If livestock and/or wildlife concentrate in these areas, the eroded soil could also contain fecal material that would reach surface waters. Cross-country travel for the project would generally not require clearing the vegetation, which minimizes soil disturbances. The public land topography is fairly flat, except for the slopes down to the Canadian River floodplain. This lack of slope greatly reduces the amount of runoff generated from the project area and its ability to transport much of a sediment load. Most runoff would be retained within the ROW or adjacent uplands, depositing any of its sediment load

there. If there is overland runoff that travels off the western bench and downslope to the Canadian River, it would then reach the flat floodplain. If any runoff did reach the floodplain, the Give A Damn Jones and the Sanborn irrigation ditches would intercept the runoff prior to reaching the Canadian River. Runoff from the eastern public segment would be intercepted by a small detention pond adjacent to Jackson County Road 8 and the roadbed itself. It is unlikely that much runoff would be generated by this project, and less likely that it would reach surface waters. Vegetative cover protecting the soils would be similar (or slightly improved in seeded areas) to pre-project conditions within two to three years, further reducing any potential impact to water quality.

Environmental Consequences, No Action Alternative: there would be no new surface disturbances or impacts to water quality. If the existing line required maintenance or repairs, possible impacts would be similar to those under the Proposed Action, especially due to the proximity of the two locations.

Mitigation: None

Finding on the Public Land Health Standard for water quality: There are no public surface waters that would be impacted by the Proposed Action or the No Action Alternative. Although there are concerns over possible water quality impairments in the Canadian River, it is unlikely that the Proposed Action or the No Action Alternative would measurably impact this river.

WILDLIFE, AQUATIC

Affected Environment: The proposed project crosses the Canadian River which is designated Class 1 coldwater aquatic life use by the state of Colorado. Records from the Colorado Parks and Wildlife indicate that brown trout, rainbow trout, creek chub, Johnny darter, fathead minnow, longnose sucker, longnose dace, and white sucker are some of the common species found within this river.

Environmental Consequences, Proposed Action: As discussed in the Water Quality section, surface disturbance from the proposed project followed by runoff could increase sediment load in the Canadian River. This could negatively affect fish spawning and reduce habitat quality by reducing oxygen and covering gravel beds. Runoff within the project area is expected to be limited due to lack of slope; therefore sediment transport would be minimal. Transport of sediment would also be limited by adequate vegetative cover and catchment areas (ponds, ditches) before reaching the river.

Environmental Consequences, No Action Alternative: there would be no new surface disturbances or impacts to aquatic wildlife. If the existing line required maintenance or repairs, possible impacts would be similar to those under the Proposed Action.

Mitigation: None.

ACCESS/TRANSPORTATION

Affected Environment: The proposed action is currently within an area that is designated as “Open” to the public for cross country travel as long as no significant or undue damage to the resources occurs. Under the Code of Federal Regulations CFR9268.3 vii., “No person shall operate an off road vehicle on public lands: (D) “In a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural or vegetative resources or other authorized uses of the public lands.” ROW authorizations may permit the ROW holder cross country travel within the ROW under specific design features to protect resources. Currently, the BLM has a draft Resource Management Plan (RMP) revision that include designating the proposed area as “Limited” where motorized and mechanized travel would be limited to designated routes. Routes that do not have general public access may be designated as “Administrative” to provide access for ROW’s, administration of existing grazing leases, ingress/egress to private in-holdings and the management of resources by the administering agencies. The proposed ROW would connect to approximately 1.7 miles of existing routes that the public currently does not have access to without cross-country travel or crossing private lands.

Environmental Consequences, Proposed Action: The proposed action would not likely create a new travel corridor or route as access would be under the power line at a width of 100 feet from existing roads. With reseeding any disturbance should not be noticeable to the general public. To prevent resource damage any travel corridor or route that may become established should be signed by MPEI stating only authorized motorized vehicles allowed, along the ROW. The ROW corridor would be for administrative use until travel management designations are made to either incorporate the ROW as an open route for public motorized use or to designate it as administrative only.

Environmental Consequences, No Action Alternative: there would be no new surface disturbances or impacts related to a new ROW alignment and surface disturbance would be limited to the current ROW alignment. Travel along the existing ROW for pole replacement, maintenance or repairs would likely still create new travel corridor that would be visible but not legally accessible for future motorized travel by the general public under future designations that meet BLM policy. Alternative power sources would also need maintenance possibly more than a power line. Impacts to resources would still occur on BLM-administered lands but would not provide legal motorized access or be a benefit to the transportation system.

Mitigation: None.

CUMULATIVE IMPACTS SUMMARY: For the purpose of this EA, the general geographic area for cumulative impact analysis is the Battleship Oil Field which consists of six oil wells. The power line runs east of Colorado Hwy 125 for approximately three miles, then proceeds north for approximately two miles. The power line crosses the Canadian River, and runs parallel with Jackson County Road 8.

The time line for the cumulative impact analysis is 30 years based on the term of the ROW grant.

Past, Present, and Reasonably Foreseeable Action:

In the past, the infrastructure for an overhead power line was granted across BLM-administered lands. The power line is becoming older and new technology creates the need for replacement to ensure service to the six oil wells is not compromised. There are also telephone lines and water pipelines for the oil and gas industry in the same location.

In the present and future actions, the Proposed Action would replace the existing three phase line with new poles and lines. With the increase in population and new technology, better infrastructure needs to be constructed. The new wildlife friendly design for power poles would alleviate injury and mortality to eagles and sage grouse. Surface disturbance from the proposed project followed by runoff could increase sediment load in the Canadian River. This could negatively affect fish spawning, reduce habitat quality and water quality. Runoff within the project area is expected to be limited due to lack of slope; therefore sediment transport would be minimal. Access to install and maintain the power line would be from the County Road or within the 100 foot ROW corridor and therefore no resource damage outside of the corridor should occur from cross-country travel. If the corridor is not properly reseeded and the public perceives a new route, cross-country travel could increase. By minimizing vegetation disturbance, the soils should be protected from wind erosion. Where vegetation must be cleared, mulching and seeding the area should occur and help minimize soil losses and insure long-term soil stabilization. Cultural resources should be protected by having a BLM-permitted archaeologist onsite during installation. Kaufman is an operator in the Battleship Field located in northeastern North Park. The Battleship Field was discovered in 1954. Since 1954, fourteen wells have been drilled in and around the field with production established from eight of the wells. Kauffman currently has five producing wells, including one shut-in and one operating injection well. The future of oil and gas production within the Battleship field and surrounding area is not entirely predictable. However, based on current operations and indications from industry on reasonably foreseeable development of oil and gas production from new wells, it may be anticipated that North Park will have anywhere from 60 to 370 wells drilled over the next 20 years, with approximately 20 of these to be drilled in existing small fields, including the Battleship Field.

The No Action Alternative could have cumulative impacts to MPEI's customers and the oil wells if the electrical power was disrupted. More maintenance trips would occur and soils could be affected by vegetative disturbance and a route may become visible. Also wildlife could be at a disadvantage without the new wildlife friendly design for power poles that decrease electrocution and increase perching of predators.

PERSONS / AGENCIES CONSULTED: See Appendix 2 for Tribal List. No comments were received from the tribes. The proposed project was listed on the Kremmling Field Office internet NEPA register and NEPA public room board.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist

Appendix 2 – Native American Tribal List

ATTACHMENTS:

- 1) Stipulations
- 2) Seed list

**Finding of No Significant Impact and Decision Record
Bureau of Land Management
Kremmling Field Office**

Environmental Assessment DOI-BLM-LLCON02000-2011-0009-EA

Case File No. COC- 74603

Proposed Action Title/Type: Kaufman Rebuild

Applicant/Proponent: Mountain Parks Electric, Inc.

Location of Proposed Action: 6th P.M., T. 10N., R. 79W.
Sections 23, 26, 27, 28 and 29
Jackson County, Colorado

USGS Topographical Map: Eagle Hill, Cowdrey

Conformance with Applicable Land Use Plan:

These plans have been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. This proposed action is in conformance with the following land use plans:

Name of Plan:	Kremmling Resource Management Plan	Date Approved:	1984, updated 1999
---------------	------------------------------------	----------------	--------------------

BACKGROUND

The Kremmling Field Office of the Bureau of Land Management (BLM) is proposing to grant a Right-of-Way to Mountain Parks Electric. This ROW replaces an existing ROW for a power line that was issued Pre-FLPMA, which will be rebuilt as a three phase power line.

Finding of No Significant Impact

The Kremmling Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

I have reviewed the above mentioned NEPA compliance document (EA). I have determined that the proposed action and the alternatives are in conformance with the Kremmling Resource Management Plan, 1984.

I have determined, based on the analysis in DOI-BLM-LLCON02000-2011-0009-EA

that this is not an action that would significantly affect the quality of the human environment and, therefore, an Environmental Impact Statement is not required. This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met.

The following rationale was used to determine that significant impacts were not present for each criteria mentioned in Title 40 CFR 1508.27:

1. *Beneficial and adverse impacts.*
The upgrade of the power line would benefit the oil field in Jackson County with securing continued electric service to oil wells. Also the line would be upgraded with wildlife friendly equipment.
2. *The degree to which the proposed action affects public health or safety.*
The proposed action would benefit public health and safety by providing more reliable electricity.
3. *Unique characteristics of the geographic area.*
There are no unique characteristics in this area.
4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
There should be no effect on the quality of the human environment which would be highly controversial.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
There should be no possible effects on the human environment which are highly uncertain or involve unique or unknown risks.
6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*
The proposed action should not establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*
This action is not related to other actions with individually insignificant but cumulatively significant impacts.
8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*
The proposed action would not adversely affect any districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

There are no threatened or endangered species or habitats for such species that has been determined to be critical under the Endangered Species Act of 1973 within the proposed project area.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment.

Decision: It is my decision to authorize the Proposed Action as described in the attached EA, DOI-BLM-120-2011-0009-EA. This decision is contingent on meeting all mitigation and monitoring requirements listed below.

MITIGATION MEASURES: The stone circle cultural site, 5JA470, would be avoided by the construction of a temporary barrier and monitoring by a BLM permitted professional archaeologist. On October 6, 2011, a conversation with SPHO representatives, Mark Tobias, Dan Corzon, and Richard Wilshusen, was held on the phone to mitigate the project “adverse effect”. It was decided at this point that a permitted Archaeologist would be present at pole replacement locations to visually identify previously unknown cultural resources for avoidance on the private land. If the private land owner does not accept the terms of having an Archaeologist present to insure cultural resource avoidance, then the undertaking would be passed to the Advisory Council on Historic Preservation for comment on the adverse effect determination. On November 21, 2011, a phone conversation with Jean Johnson from Mountain Parks Electric stated that the private land owner had accepted the SHPO’s terms to mitigate the adverse effect.

COMPLIANCE MONITORING: The right-of-way would be inspected and monitored periodically during terms of the grant to ensure compliance with the terms and conditions of the grant. The right-of-way would also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures and evidence of invasive or non-native plants.

Reviewer: /s/ Susan Cassel Date 3-6-12
Environmental Coordinator

Authorized Officer: /s/ Susan Cassel Date: 3/6/12
Acting F.M.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Kremmling Field Office
2103 E. Park Avenue
Kremmling, CO 80459
www.blm.gov/co/kremmling

Kaufman Rebuild Decision Record March 6, 2012

1.0 Introduction and Background

Mountain Parks Electric Inc. has applied for a right-of-way (ROW) to rebuild an existing power line. The old line is part of a right-of-way that authorizes multiple lines issued pre-FLPMA and therefore cannot be amended. This power line needs to be replaced for safety reasons and to improve the electrical equipment along the power line. The overhead power line provides electric power to six oil wells, three buildings and one gas meter.

2.0 Decision and Rationale

2.1 Alternatives Considered but not Selected

Under the No Action alternative, the power line would not be upgraded. The reliability of power would be compromised.

2.2 Decision and Rationale

Based on information in the EA, the project record, and consultation with my staff, I have decided to proceed with the proposed action as described in the EA. The project is not expected to adversely impact any resources. The proposed action would provide consistent electric power to oil wells in this area.

3.0 Consultation and Coordination

No special status animal or plant species (or their habitat) was found; therefore, consultation with USFWS is not necessary.

Tribal consultation was initiated on 11-5-10 and completed on 12-20-11.

4.0 Public Involvement

The EA will be available for a formal 30-day public comment period when posted on the Kremmling Field Office's internet website.

5.0 Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the 1984 Kremmling RMP and the Federal Land Policy Management Act (FLPMA).

6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (Kremmling Field Office) internet website.

____/s/ Susan Cassel_____
For David Stout
Manager, Kremmling Field Office

____3/27/12_____
Date

Appendix 1

INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:

Project Title: MPEI-Kaufman Rebuild

Project Leader: Annie Sperandio

Date Proposal Received: (Only for external proposals)

Date Submitted for Comment:

Due Date for Comments:

Need for a field Exam: (If so, schedule a date/time)

Scoping Needs/Interested or Affected Publics: (Identify public scoping needs)

Consultation/Permit Requirements:

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	8/17/2011		B. Wyatt	The action is a Section 106 undertaking. SHPO determined that the action was an “adverse effect” because an inventory was not conducted on the private land. On October 6, 2011, a conversation with Mark Tobias, Dan Corzon, and Richard Wilshusen on the phone to mitigate the project’s “adverse effect”. It was decided that an Archaeologist would be present at pole replacement locations to visually identify previously unknown cultural resources for avoidance on the private land. If the private land owner did not accept the action then the undertaking would be passed to the Advisory Council for comment on the project “adverse effect.”
Native American	11/5/2010	12/20/2011	B. Wyatt	Five tribes affiliated with North Park were consulted.
T&E Species/FWS	N/A	N/A	M. McGuire	
Permits Needed (i.e. Air or Water)			Applicant	404 Permit- The crossing of the Canadian River and associated wetlands appear to be covered by the Nationwide Permit #12 for utility lines. The permit generally does not require the applicant to notify the Army Corps of Engineers prior to construction, but that is dependent on acreage disturbed, linear feet crossing waters of the U.S., and if water diversions are necessary during construction. The applicant is responsible to meet all terms of the nationwide permit.

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(PI) = Potentially Impacted and Brought Forward for Analysis.

NPNI PI	Discipline/Name	Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
NI	Air Quality Belcher	6/28/11	PB	The Proposed Action would not affect air quality.
NP	Areas of Critical Environmental Concern McGuire	8/18/2011	MM	There are no Areas of Critical Environmental Concern in the proximity of the proposed project area.
PI	Cultural Resources Wyatt	12/20/11	BBW	See Analysis
NP	Environmental Justice Cassel	2/1/11	SC	According to the most recent Economic Census Bureau statistics (2009), there are minority and low income communities within the Kremmling Planning Area. There would be no direct impacts to these populations.
NI	Farmlands, Prime and Unique Belcher	7/5/2011	PB	There are no prime or unique farmlands in the proximity of the proposed project area. There are farmlands, of local importance, on the private lands crossed by the existing and the proposed project. The project would not affect the land's ability to continue its present land use.
NI	Floodplains Belcher	7/5/2011	PB	The existing and proposed lines cross a portion of the Canadian River floodplain. Although pole locations on the private land were not reviewed, it is unlikely that the power line locations have or will affect the functionality of the floodplain, and the flood hazard will not be altered by either line.
NP	Invasive, Non-native Species Hughes	7/13/11	ZH	Currently there are no invasive non- native species inventoried and or present in the project area. However, soil disturbing activities such as creating staging areas and use of machinery may contribute to the introduction of invasive non-native species. As per the design features, the BLM would monitor the project area for invasive weeds and Mountain Parks Electric would treat as necessary. In addition the attached stipulations provide for adequate prevention and control measures for noxious weed management.
NI	Migratory Birds McGuire	8/18/2011	MM	Since the power line would be replacing an existing line and not adding another obstacle to birds in flight, there would be a low risk of direct or indirect impacts to migratory birds. The No Action Alternative would maintain existing conditions for migratory birds in the project area since no replacement of the line would occur. If wind turbines were to

				become the source of power, the potential for collisions would be great.
NI	Native American Religious Concerns Wyatt	12/20/11	BBW	To date no American Indian tribe has identified any area of traditional spiritual or cultural significance.
PI	T/E, and Sensitive Species (Finding on Standard 4) McGuire	8/18/2011	MM	See analysis.
NP	Wastes, Hazardous and Solid Elliott	8/16/11	KE	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
PI	Water Quality, Surface and Ground (Finding on Standard 5) Belcher	8/12/11	PB	See Analysis.
NI	Wetlands & Riparian Zones (Finding on Standard 2) Belcher	7/5/2011	PB	There are no public wetlands or riparian zones that would be impacted by the proposed action or the No Action Alternative. The existing line does cross an impounded small wetland on public lands. The proposed realignment would cross approximately 290 feet less of wetlands than the existing line, although the actual wetland acreage within the new ROW may be slightly greater.
NP	Wild and Scenic Rivers Schechter	10/28/10	HS	There are no eligible Wild and Scenic River segments in the proposed project area.
NP	Wilderness Lands with Wilderness Characteristics Monkouski	10/3/2011	JJM	There are no designated Wilderness, Wilderness Study Areas, or Lands with Wilderness Characteristics in the proximity of the proposed project area. The project area does not possess wilderness characteristics.
NI	Soils (Finding on Standard 1) Belcher	8/12/11	PB	Due to the Design Features impacts to soils would be minimal in the proposed action. These design features would need to be implemented in the No Action Alternative if other construction occurred.
NI	Vegetation (Finding on Standard 3) Tibbs Landing	Tibbs	NT	The Proposed Action would use an existing disturbed area and right of way. These areas would be expected to re-vegetate with the proposed seeding. There would be no effect on vegetation with the No Action Alternative.
PI	Wildlife, Aquatic (Finding on Standard 3) McGuire	8/18/2011	MM	See analysis.
NI	Wildlife, Terrestrial (Finding on Standard 3) McGuire	8/18/2011	MM	The proposed project would not impact terrestrial wildlife since habitat disturbance would be minimal and activities would not occur during times of stress for terrestrial wildlife.
PI	Access/Transportation Monkouski	10/3/2011	JJM	See analysis.
NI	Forest Management K. Belcher	4/26/10	KB	No impact on forest resources as a result of implementing the proposed action or the no

				action alternative.
NI	Geology and Minerals Elliott	8/16/11	KE	There would be no impact on geology or minerals from the proposed action or the no action alternative.
NI	Fire Wyatt	12/20/11	BBW	No impacts would occur with the design features in place
NI	Hydrology/Water Rights Belcher	8/12/11	PB	There would be no impact to water rights from the Proposed Action. See the Water Quality and Wetland sections for hydrologic discussion.
NI	Paleontology Wyatt	12/20/11	BBW	Geologic formations sensitive for fossil resources are present in Class IV and Class V Potential Fossil Yield Classification. It is recommended that a permitted paleontologist be present during soil disturbing activities for monitoring. BLM standard "discovery" stipulation is part of the environmental assessment and is to be attached to any authorization allowing this project to proceed.
NI	Noise Monkouski	10/3/2011	JJM	Under the proposed action, there would be a short term increase in noise levels during the project implementation. There is one residence within the area. Residents have been contacted and been made aware of the proposed action that also crosses their property. No Impacts.
	Range Management Tibbs Landing	Tibbs	NT	If the proposed action is done in the fall after the grazing season there will be no effect on livestock grazing.
NI	Lands/ Realty Authorizations Sperandio	1/30/2012	AS	There is one ROW for a buried telephone line: COC-9231; one ROW for a telephone line: COC-0118208; one ROW for a power line: COC-56254; one ROW for a water pipeline: COC-44241. No impacts to these ROWs would occur from the proposed action or the no action alternative.
NI	Recreation Monkouski Schechter	10/3/2011	JJM	Recreational uses in the general area include hunting, hiking, wildlife viewing; and snowmobiling. There are no recreation activity plans or other special recreation designations for the area. The proposed action would have no impacts to the recreation resource.
NI	Socio-Economics Cassel	2/1/11	SC	As this is a rebuild and the line is functional in either alternative, the socio economics would not be affected by the proposed action or the no action alternative.
NI	Visual Resources Elliott	1/9/11	KE	As this is a rebuild and the line would be present in either alternative, visual resources would not be affected by the proposed action or the no action alternative.
PI	Cumulative Impact Summary	1/30/2012	AS	See comments.
	P&E Coordinator Cassel	2/7/2012	SC	

Appendix 2

NATIVE AMERICAN TRIBES CONTACTED:

Ivan Posey, Chairman
Shoshone Business Council
Shoshone Tribe
P O Box 538
Ft. Washakie, WY 82514

Mr. Norman Tidzump
Tribal Historic Preservation Officer
Shoshone Tribe, Cultural Center
P.O. Box 538
Fort Washakie, WY 82514

Ernest House, Sr., Chairman
Ute Mountain Ute Tribe
P O Box JJ
Towaoc, CO 81334

Mr. Terry Knight, Sr., NAGPRA Representative
Ute Mountain Ute Tribe
P O Box 468
Towaoc, CO 81334

Harvey Spoonhunter, Chairman
Northern Arapaho Business Council
P O Box 328
Fort Washakie, WY 82514

THPO Director
Northern Arapaho Tribe
P O Box 396
Fort Washakie, WY 82514

Ernest House, Jr., Executive Secretary
Colorado Commission of Indian Affairs
130 State Capitol
Denver, Colorado 80203

Robert Goggles, NAGPRA Representative
Northern Arapaho Tribe
328 Seventeen Mile Road
Arapaho, WY 82510

Mathew Box, Chairman
Southern Ute Indian Tribe
P O Box 737
Ignacio, CO 81137

Neil Cloud, NAGPRA Representative
Southern Ute Tribe
Mail Stop #73
Ignacio, CO 81137

Curtis Cesspooch, Chairman
Uintah & Ouray Tribal Business Committee
P O Box 190
Ft. Duchesne, UT 84026

Betsy Chapoose, Director
Cultural Rights & Protection Specialist
Uintah & Ouray Tribe
P O Box 190
Fort Duchesne, UT 84026

STIPULATIONS
FOR
Mountain Parks Electric
COC-74603
Power Line

Mitigation Measures:

1. The stone circle 5JA470 would be avoided by the construction of a temporary barrier and monitoring by a BLM-permitted professional archaeologist. On October 6, 2011, a conversation with SPHO representatives, Mark Tobias, Dan Corzon, and Richard Wilshusen, was held on the phone to discuss how to mitigate the project’s “adverse effect” on cultural resources. It was decided at this point that a permitted Archaeologist would be present at pole replacement locations to visually identify previously unknown cultural resources for avoidance on the private land. If the private land owner does not accept the terms of having an Archaeologist present to insure cultural resource avoidance, then the undertaking would be passed to the Advisory Council on Historic Preservation for comment on the adverse effect determination. On November 21, 2011, a phone conversation with Jean Johnson from Mountain Parks Electric stated that the private land owner had accepted the SHPO’s terms to mitigate the adverse effect.

Design Features

1. A BLM permitted paleontologist will be present during soil disturbing activities for monitoring.
2. The BLM will inspect disturbed areas for noxious weeds for two growing seasons after the project is completed. If noxious weeds are found, it will be the responsibility of Mountain Parks Electric to treat the weed infestations.
3. Where vegetation must be cleared, disturbances would be mulched and seeded. If rilling within the ROW is observed after one growing season, MPEI would be responsible for additional erosion control measures such as reseeding, using mulch or waterbars to direct water away from the seeded area to encourage revegetation and to reduce runoff from the project area. Mulch can be the bladed vegetation re-spread across the surface.
4. To protect Greater sage-grouse, anti-perching devices or perch guards are required to discourage perching by golden eagles. Since perching by large raptors can still occur with these devices, the proposed electric distribution line shall also be constructed to specifications which will assure large birds such as golden eagles cannot be electrocuted.

Refer to “Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006,” Avian Power Line Interaction Committee, 2006 pp. 66-76.

5. If the old ROW has areas of erosion or compacted soils with no vegetative cover, then prior to abandoning the ROW, the areas of concern will be reclaimed to be stable and have similar percent ground cover as the surrounding area.
6. Where the old ROW corridor is visible the areas of concern will be reclaimed and signed as a “Restoration Area” to avert motorized or mechanized travel. Any travel corridor or route that may become established should be signed by MPEI stating only authorized motorized vehicles allowed.
7. The holder will be responsible for following any permit requirements under Section 404 of the Clean Water Act to reduce impacts to wetlands.
8. While in use, each internal combustion engine including tractors, trucks, dozers, welders, generators, stationary engines, or comparable powered equipment shall be provided with at least the following:
 - a) One fire extinguisher, at least ABC with an Underwriters Laboratory (UL) rating of 3A- 40BC, or greater. Extinguisher shall be mounted so as to be readily available for use (not locked in a tool box or chained to a seat, for example).
 - b) One shovel, round-pointed with an overall length of at least 48 inches.
 - c) One sharp axe, or one sharp pulaski.

Standard Stipulations

9. All new poles and cross arms should be fitted with devices that prevent perching and electrocution. In addition, the USFWS recommends line markers for both the ground wires and guy wires to prevent collisions.
10. All equipment shall be washed for all plant material prior to any activities on BLM lands. If invasive, non-native species do become established or spread, it would be the responsibility of Mountain Parks Electric to eradicate those species.
11. The holder shall seed all disturbed areas, using an agreed-upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season. Seed mix should include salt tolerant plants.
12. The holder is responsible for informing all persons in the area who are associated with this project that they shall be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but

not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed shall be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer shall inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the holder shall likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer shall assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder shall be responsible for mitigation costs. The Authorized Officer shall provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder shall then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource shall also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization shall also be protected. Impacts that occur to such resources that are related to the authorizations activities, shall be mitigated at the holder's cost.

13. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
14. If paleontological materials (fossils) are discovered during construction activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer shall consult and determine the best option for avoiding or mitigating the paleontological site.

15. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
16. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
17. One month prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection shall be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.